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PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**AN EXAMINATION OF THE)
APPLICATION OF THE FUEL)
ADJUSTMENT CLAUSE OF) CASE NO. 2008-00285
KENTUCKY UTILITIES COMPANY)
FROM NOVEMBER 1, 2007)
THROUGH APRIL 30, 2008)**

**PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 7, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 10(a) and 17 of the Commission’s data requests, as contained in Appendix A of the Commission’s Order dated August 22, 2008. KU requests confidential treatment (“Confidential Information”) for two reports from Weir International, Inc. (“Weir Reports”), which concern KU’s coal suppliers’ costs of complying with the Mine Improvement and New Emergency Response Act of 2006 (“MINER Act”) (for Question No. 10(a)), and requests confidential protection for coal bid analysis information (for Question No. 17). In support of this Motion, KU notes that the Commission treated the same kind of coal bid analysis information as confidential in KU’s last six-month fuel adjustment clause review proceeding. (See Letter from Executive Director Beth O’Donnell re KU Petition for Confidential Protection, Case No. 2007-00524 (February 27, 2008), attached hereto as Attachment 1.)

In further support of this Motion, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open

disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. *See* KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Disclosure of the Weir Reports would damage KU's competitive position and business interests. The reports analyze the costs KU's coal suppliers incur to comply with the MINER Act, which in turn affect the coal price increases KU is willing to pay its coal suppliers for their claimed compliance costs. If the Commission grants public access to the information requested in Question No. 10(a), KU's current and potential coal suppliers could manipulate their bids to the detriment of KU and its ratepayers by tailoring bids to correspond to, and to comport with, KU's MINER compliance cost evaluation criteria and process.

3. Disclosure of the factors underlying KU's bid analysis and selection process would damage KU's competitive position and business interests. This information reveals the business model the Company uses – the procedure it follows and the factors and inputs it considers – in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 17, potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to, and to comport with, KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past. (*See* Attachment 1, Letter from Executive Director Beth O'Donnell re KU Petition for Confidential Protection, Case No. 2007-00524 (February 27, 2008).)

4. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within KU except to those employees with a legitimate

business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

5. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

6. In accordance with the provisions of 807 KAR 5:001, Section 7, KU is filing with the Commission one copy of the Confidential Information highlighted and ten (10) copies without the Confidential Information.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection to the information designated as confidential for a period of five years from the date of filing the same.

Dated: September 12, 2008

Respectfully submitted,



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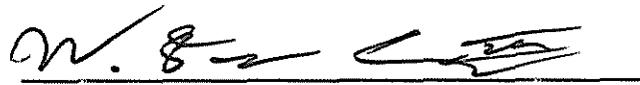
Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 12th day of September 2008, upon the following persons:

Dennis G. Howard II
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ATTACHMENT 1



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Environmental and Public
Protection Cabinet

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Commissioner
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Commonwealth of Kentucky
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Caroline Pitt Clark
Commissioner

February 27, 2008

Hon. Kendrick R. Riggs
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2000 PNC Plaza, 500 W. Jefferson St.
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Hon. Allyson K. Sturgeon
E.ON U.S. LLC
220 West Main Street
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Re: Kentucky Utilities Company's Petition for Confidentiality
PSC Case No. 2007-00524

Gentlemen and Ms. Sturgeon:

The Public Service Commission has received Kentucky Utility Company's Petition for confidential treatment requesting to protect as confidential, certain information in its Response to Item 17 of the Commission's Order of January 23, 2008. This information is identified in the Petition as pertaining to coal bid analysis information.

Based upon a review of the information, I have determined that it is entitled to the protection requested on the grounds relied upon in the Petition and should be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, Kentucky Utilities Company is required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

Beth O'Donnell,
Executive Director

kg/
cc: Parties of Record